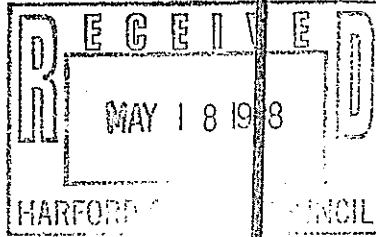


ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014



Shaded Area For Office Use Only

Case No. 101
Date Filed 5-13-98
Hearing Date _____
Pre-Conf. _____
Receipt _____
Fee \$730⁰⁰

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name James D. Stone, Trustee of the
Thomas R. Brooks, Jr. Inter Vivos Phone Number _____
Charitable Remainder Unitrust
Address C/O Charles B. Keenan, 30 Office Street, Bel Air, Maryland 21014
Street Number Street State Zip Code

Property Owner See Above Phone Number _____
Address _____
Street Number Street State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street State Zip Code
Robert S. Lynch, Esq., Lawrence F. Kreis, Jr., Esq.
Attorney/Representative Stark & Keenan, P.A. Phone Number (410) 879-2222/838-5522
Address 30 Office Street Bel Air Maryland 21014
Street Number Street State Zip Code

Hearing: 10/14/98

Land Description

Address and Location of Property (with nearest intersecting road) MD Route 924 at Emmorton Road

Subdivision N/A Lot Number N/A Acreage/Lot Size 22.179 Election District 1

Existing Zoning R2 Proposed Zoning B2 Acreage to be Rezoned 22.179

Tax Map No. 56 Grid No. 1D Parcel 579 Deed Reference 1965/566

Critical Area Designation N/A Land Use Plan Designation Medium Intensity
Community Center

Present Use and ALL improvements: Vacant / Cropland

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development)

Office / Commercial

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No If yes, describe:

Estimated Time Requested to Present Case: Three (3) Hours.

Required Information To Be Attached

(Submit three (3) copies of each):

- (a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
- (b) A statement of the grounds for the application including:
 - (1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.
 - (2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.
- (c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.
- (d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:
 - (1) Location of site.
 - (2) Proposed nature and distribution of land uses, not including engineering drawings.
 - (3) Neighborhood (as defined by the Applicant).

JAMES D. STONE, TRUSTEE
of the THOMAS R. BROOKES, JR. INTER
VIVOS CHARITABLE REMAINDER UNITRUST

(b) (1) The Applicant maintains that there is a mistake as to the existing R2 zoning. This property, as shown on the 1996 Land Use Plan is designated "High Intensity". It is also designated with a "C" - Community Center. (See attachment (b) (1)). The property has frontage on Md. Route 924, which is functionally classified as a Urban Minor Arterial. By definition, an Urban Minor Arterial's primary function is mobility and intracommunity continuity. The highway provides access to major community centers. The current R2 zoning is not consistent with the Master Plans High Intensity classification. The R2 zoning allows for a maximum density of 4.5 dwelling units per acre. The High Intensity classification supports a density greater than 7.0 dwelling units per acre. The Master Plan states that High Intensity areas support intensive uses such as automobile dealerships and home improvement centers. The "C" Community Center designation in the Master Plan states that these are "Areas combining civic, social and cultural facilities with more intensive commercial and office oriented activities. These centers are usually located along major highways". Harford County, as part of the 1989 Comprehensive Rezoning process should have rezoned the Applicant's parcel to B3 to make it consistent with the commercial activity in the neighborhood.

(2) Since the last Comprehensive Rezoning in 1989, there have been numerous changes in the neighborhood. Since 1989, there has been increased vehicular traffic on Md. Route 924 and increased

commercialization along Route 924. Opposite this parcel on the west side of Route 924 are High Intensity uses including a fast food restaurant, car wash and mini-storage warehouses. On the southern boundary of this parcel are existing commercial office uses, which were constructed in the past eight (8) years. On the northern boundary of the property, the agrarian land use has changed to a recreational use.

(c) The proposed reclassification of the property to a B2 use is consistent with the Master Land Use Plan's "High Intensity and Community Designation" (See attachment (b)(1)).

(d)

(1) See attachment (d)(1).

(2) The property is currently vacant. The applicant proposes an office park use for the property.

(3) Neighborhood: The neighborhood extends to Ring Factory Road on the north; Winters Run on the west; Singer Road on the south and Patterson Mill Road and Bynum Run on the east. See attachment (d)(3-4).

(4) See attachment (d)(4).

(5) The FY 1997 Capital Improvement Program identifies the following capacity enhancement projects for water and sewer:

Water: Abingdon Road Parallel Phase 1 & 4
Laurel Bush Parallel

Sewer: Bynum Run Parallel

(e) Rezoning in the neighborhood:

Case No.	Name	Zoning Change	Date
064	Clark Turner Properties	R2 to R0	Pending

(f) See attachment (d) (1).

(g) See attachment (d) (g).

(h) None

(i) None

(j) The property is located inside the Development Envelope and is consistent with the general policies of the Water & Sewer Plan. The property is in the "6-10 Year Service" area for water and sewer service.

Issue #	Date	C P C	Text ID #	Map #	Grid	Parcel #	Property owner	Property location	Acres of parcel	Acres to rezone	CZ	RZ	PAB	P-Z	C-C
F026	10-11-96	ARE	01267175	561D	578		Thomas Brookes Jr. et al	1901 Emmorton Rd. N of Emmorton	9.750	9.750	R2	B3	R2	R2	R2
F027	10-11-96	ARE	01267183	561D	579		James Stone	MD. Rt. 924 N of Emmorton	22.173	22.173	R2	B3	R2	R2	B2
F028	10-11-96	ARE	01019546	572B	11		Ceddie Thomas (Haron Dehan)	SS Cedar Lane W. of Rt. 136	315.58	132	RR	R1	RR	RR	AG
F029	10-11-96	ARE	01178571	621F	437, lot 27		Lambdin Dev. Co. (James Lambdin)	1250 Brass Mill Rd. Riverside Bus. Pk	1.292	1.292	CI	B3	CI	CI	B2
F030	10-11-96	ARE	01226517	621F	796		Lambdin Dev. Co. (James Lambdin)	4698 Riverside Pkwy	.996	.996	R4	B3	R4	R4	B1
F031	10-11-96	ARE	01245619	621D	180, lot 1		John & Conceita Rivieri	4009 Old Philadelphia Rd.	6.296	2.5	R1	B3	R1	R1	R1
F032	10-11-96	ARE	01245627	621D	180, lot 2		John & Conceita Rivieri	4015 Philadelphia Rd.	8.278	2.0	B1	B3	B1	B1	B1
F032-1	10-11-96	ARE	01245627	621D	180, lot 2		John & Conceita Rivieri	4015 Philadelphia Rd.	8.278	3	R1	B3	R1	R1	R1
F033	10-11-96	ARE	01084143	572C	42		John Schanning	2512 Calvary Rd. S of Crosswell	92	92	AG	R1	AG	AG	AG
F034	10-11-96	ARE	01084127	574C	65		John Schanning	2816 Calvary Rd. S of Crosswell	57.9	57.9	AG	R1	AG	AG	AG
F035	10-11-96	ARE	01072471	563E	121		Frank Overbay	201 E. Wheel Road	.981	.981	R2	B3	R2	R2	R2
F036	10-11-96	AH	06002536	442F	677, lot 5A		James & Mary Frances Edwards	S/S Superior St (Rt 155) Havre de Grace	.50	.50	B1	B2	B1	B1	B1
F037	10-11-96	AH	06002528	442F	677, Pt 10		James & Mary Frances Edwards	S/S Superior St (Rt 155) Havre de Grace	1.2	.45	B1 & B2	B2	B1 & B2	B1 & B2	B1 & B2
F038	10-11-96	ARE	01010352	622F	60		BLC Properties, Inc (John Dixon)	W/S (Future) Bate Blvd off of Rt 40	579.22	6.1	CI	R4	CI	CI	R4
F039	10-11-96	ARE	01074814	572C	151		M. Schott & C. Hergomader	1021 Cedar Lane Bel Air	24.939	24.939	AG	R1	AG	AG	AG
F040	10-11-96	ARE	01105256	623D	211		Dennis S. Wilson	S. Rt 40 Long Bar Harbor	2.65	2.65	R2	B3	R2	B3	B3
F041	10-11-96	ARE	01175769	621F	718, lot 1		Upper Chesapeake H.S. (R. Mathland)	1200 Brass Mill Road	2.567	2.567	R4	B3	R4	R4	B1
F042	10-11-96	ARE	01043829	562D	78		Carvel & Lorraine Truxert	2218 Old Emmorton Rd Bel Air	.405	.405	RO	B2	RO	RO	RO
F043	10-11-96	ARE	01024957	621C	355		Garfield D. Carjill	1009 Hooker Mill Road	3.971	3.971	R1	B2	R1	R1	R1
F044	10-11-96	ARE	01043617	622C	720		Hidden Stream Dev. (Morris Wolf)	Abandon	.03	.03	R1	B3	R3	R3	R3
F045	10-11-96	ARE	01052098	622D	722		Hidden Stream Dev. (Morris Wolf)	Abandon	.907	.907	R1	B3	R3	R3	R3
F046	10-11-96	ARE	01048325	573B	267		Morris H. Wolf	West of Route 136 Crosswell	87.635	87.635	AG	R1	AG	RR	AG
F047	10-11-96	ARE	01006150	573C	67		Joseph & Barbara Ayres	2610 Calvary Rd Bel Air	91.18	91.18	AG	R1	AG	AG	AG
F048	10-11-96	BF	01060244	571C	275		Estate of Ailie Rice (Roger Rice)	2034 Calvary Road	.455	.455	B1	B2	B1	B1	B2